Supreme Court, U.S.
FILED

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No.

IN THE

Supreme Court of the United States

ERIC HOGGATT, DDS, PETITIONER

v.

YOUTH COURT OF ADAMS COUNTY

PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Does the federal constitution guarantee a right of privacy that abrogates a parent's fundamental right to care for his children, or that may supercede a parent's right to due process and equal protection of the laws, or rephrased, "Does the federal constitutional guarantee a right to hurt someone secretly ?" (Why *Roe v. Wade* was wrongly decided)

2. Since it is undisputed and fully substantiated in the record, that "at no time that the Mississippi Court purported to assert jurisdiction over the family of Eric and Victoria Hoggatt to make initial and subsequent custody determinations of their minor child, did the Mississippi court meet the requirements of the Uniform Child Custody Jurisdiction Act", as "*neither 'custodian', child, nor fit parents resided in Mississippi,* nor had any significant connection with Mississippi, *at any point in the entire Mississippi proceedings*", are all orders and proceedings in the Mississippi cause void ab initio for want of jurisdiction, and therefore fully disclosable to Petitioners Eric and Victoria Hoggatt, and to prosecutors and to disciplinary bodies, and available for civil suit at law?

3. May a Mississippi court evade prosecution for deprivation of rights under color of law by denial of access to records to non-resident parents by holding that Mississippi youth court records are confidential?

4. May Mississippi, consistent with the Due Process and Equal Protection Clauses of the Fourteenth Amendment, deny fit non-resident parents, appellate review of a record of sufficient completeness to permit proper appellate consideration of their claim raised in Hoggatts' Petition for Disclosure here on appeal and argued on the record, that Mississippi lacked jurisdiction to make an initial or any subsequent custody determination stripping them of

custody of their minor child (who was also not a Mississippi resident)?

5. Does a Mississippi youth court's assertion of jurisdiction over a New York family to issue multiple custody decrees stripping parents of custody of their minor child, and awarding the minor to the custody of a Louisiana relative, without compliance with the Compact on Interstate Placement of Children or the Uniform Child Custody Jurisdiction Act violate a requirement or standard of fairness which a court's assertion of subject matter jurisdiction over child custody matters of a nonresident family must meet in order to avoid a violation of the parents' right to due process of law and equal protection of the laws?

6. After asserting it has jurisdiction to make multiple custody determinations over a non-resident child of fit happily married, non-resident parents, can a Mississippi youth court sidestep a challenge to it's jurisdiction to alter custody of a non-resident child, which challenge was clearly stated in the Petition for Disclosure and Release of Records, first filed January 29, 2003, and the denial of which is hereby appealed, by filing, the day before the Petition was to be heard, a surprise Motion to Vacate Durable Legal Custody without notice to Parents, then "rule" on Parents' Petition for Disclosure the day before hearing it, and then declare the issue of jurisdiction moot, by reason of its 'surprise' motion, because it has 'terminated jurisdiction', though in fact Mississippi asserted it had jurisdiction until the May 2, 2003 entry of a "Order Granting in Part and Denying in Part the Motion for Disclosure and Granting the Motion to Terminate the Durable Legal Custody"?

7. Did the trial court err when it ruled as inadmissible evidence of bias and interest of witness Manfred Eidt, Guardian ad Litem, specifically that disclosure was also sought for purposes of investigation and prosecution of civil

rights violations by Mississippi Judge John Hudson, the Youth Court of Adams County, and Manfred Eidt himself (R 101)?

8. Did the Mississippi trial court err when it ruled as inadmissible evidence of criminal activity of the non-resident relative whom the Mississippi court alleged to appoint custodian of the Hoggatts' non-resident minor child?

9. Did the trial court err when it ruled inadmissible legally audiotaped prior statements submitted as evidence for the purpose of impeachment of testimony of the minor, the guardian ad litem, and of witness Isaiah Hoggatt?

10. Citing privacy rights of minors as to youth court records, may a Youth Court judge, consistent with the Due Process and Equal Protection Clauses of the Fourteenth Amendment, deny a fit non-resident parent his right to choose the content of the record for appeal as provided by M.R.A.P. 10 (b) (1), and then the trial court judge himself designate the record for appeal, omitting the police report, the originating youth court petition, transcripts of the initial and two subsequent hearings, and even all CASA and Mississippi Department of Human Services records that were, per the court, "documents, reports, and...investigations which are to be considered by this court, at this hearing", in clear violation of M.R.A.P. 10 (f)

> **Limit on Authority to Add to or Subtract From the Record.** Nothing in this rule shall be construed as empowering the parties or any court to add to or subtract from the record except insofar as may be necessary to convey a fair, accurate, and complete account of what transpired in the trial court with respect to those issues that are the bases of appeal?

11. Are youth courts bound by injunctions contained in the Uniform Child Custody Jurisdiction Act (hereinafter UCCJA), the Uniform Child Custody Jurisdiction and Enforcement Act, and the Compact for the Interstate Placement of Minors ?

12. May a Mississippi Court deny fit non-resident parents a hearing on the merits of their January 28, 2003 Petition for Disclosure which outlined detailed compelling circumstances affecting the health and safety of at least three children, and stated why disclosure was necessary to protect not only WNH, but also his cousin, the sexual assault victim, and the minor's little sister (CP 23,24, 29-31, 35) brought under Miss. Code Ann. 43-21-261 (G), by filing, the day before the Petition for Disclosure was to be heard, a surprise Motion to Vacate Durable Legal Custody without notice to Parents, then 'ruling' on Parents' Petition the day before hearing it (CP 4), and then declaring when the Hoggatts arrived March 6, 2003 for the hearing set on Disclosure "...the only issue before the court is whether it is going to continue jurisdiction in this case. That's the only issue..." (CP 22), by reason of its March 5, 2003 "surprise" motion?

13. Does Miss. Code Ann. § 43-21-261 as to privacy rights of minors, as applied or per se, unconstitutionally infringe on Hoggatts' fundamental right to rear their children as well as their rights to equal protection and due process of law, free press, and freedom of speech?

14. Does the Mississippi youth court's order forbidding "having the record" for inspection of the transcribed court record for appeal, as provided by Mississippi Rules of Appellate Procedure, and the Mississippi judge's requirement that non-resident Parents and any attorney for them may view the appellate record only in the offices of the Supreme Court of Mississippi, presumably without

opportunity to certify to the correctness of the record, as required by M.R.A.P. 10 (5), and to propose corrections, a right guaranteed all appellants in the state of Mississippi, violate the Hoggatts' right of due process of law and equal protection under the law (R 204)?

15. As to a finding of Mootness, does a case in controversy exist that demonstrates a compelling current need for disclosure of Mississippi youth court records and a that warrants review of the Due Process implications of the Mississippi youth court's assertion of child custody jurisdiction over non-residents?

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OPINIONS BELOW

There are no reported opinions below. The alleged custody decrees issued by the Adams County Court, Youth Court Division (hereinafter Mississippi Youth Court) beginning September 2, 2000, and including the Mississippi Youth Court's **Order Granting in Part and Denying in Part the Motion for Disclosure and Granting the Motion to Terminate the Durable Legal Custody** entered May 2, 2003,are unreported. The opinion of the Mississippi Youth Court's Order styled Order Designating the Record, whereby the trial judge substituted his own Designation of the Record for the Hoggatt's customary designation of the record for appeal, in violation of the Mississippi Rules of Appellate Procedure, is not only not reported, but was not entered on the trial docket, as required by law, nor was the Hoggatts' Notice of Appeal of such order sent to the Mississippi Supreme Court, as required by law.

November 17, 2003, Eric and Victoria Hoggatt Petitioned the Mississippi Supreme for an Emergency Writ of Special Assistance and Other Extraordinary Collateral Relief that asked for supplementation of the record and discipline of the Mississippi Youth Court Judge, Clerk, and prosecutor pursuant to "Pursuant to M.R.A. P. Rules 2 (b) and 46 (d) "that the Mississippi Supreme Court take appropriate disciplinary action against Judge Hudson and youth court attorneys Vivian Brown-Toussaint and Philip LeTard, for conduct unbecoming members of the bar", and prayed pursuant to M. R. A. P. 2 (b), that the "Supreme Court impose such sanctions as may be appropriate on Appellee Court, trial court clerk, and prosecutor for failure to comply with M. R. A. P. Rules 10 and 11."

The February 12, 2004 order of the Mississippi Supreme Court denying the Hoggatts' Petition for Emergency Writ of Special Assistance and Other Extraordinary Collateral Relief is unreported.

The May 24, 2005 Mississippi Court of Appeals order which dismissed as moot the Hoggatts' appeal of both jurisdiction and the Adams County Youth Court's denial of disclosure of youth court records as moot is unreported.

No appellate court ruled on the federal questions presented, though they are posed clearly and extensively in the pleadings and on the record. The Youth Court Division of the Adams County Court was the highest state court to rule on the Hoggatts' PETITION FOR INSPECTION OF RECORDS AND RELEASE OF RECORDS), which timely assailed jurisdiction and documented egregious Due Process and Equal Protection violations.

No court ever ruled on the Hoggatts' appeal of the trial judge's Order Designating the Record, because the Clerk of the Adams County Youth Court did not send the timely filed Notice of Appeal for over fourteen months, and by that time, perhaps the Mississippi Supreme Court did not feel disposed to Notice the Appeal of the trial judge's Order Designating the Record.

JURSIDICTION

Mississippi Youth Court Orders purporting to alter custody of Petitioners' child were alleged to have been entered from September 15, 2000 until May 2, 2003, the constitutionality as to jurisdiction and denial of due process and equal protection of all of which were timely assailed. Notice of Appeal of the Mississippi court's Order Granting in Part and Denying in Part the Motion for Disclosure and Granting the Motion to Terminate the Durable Legal Custody was timely filed on April 7, 2003. The Mississippi youth court did not like the appellant's Designation of Record, and entered its own Order Designating Record on July 10, 2003, which was not entered on the docket.

The Hoggatts' July 18, 2003 Notice of Appeal of the Mississippi trial court's Order Designating the Record was timely filed, but not conveyed by the trial court to the

Mississippi Supreme Court for over a year, on or about September 1, 2004, at which time the Mississippi Supreme Court Clerk obligingly file stamped the Notice of Appeal of the Mississippi trial court's Order Designating the Record July 18, 2003, as if it had been transmitted to the appellate court the day the Notice of Appeal was filed in the trial court, and filed in the Mississippi Supreme Court on July 18, 2003, a fact not discoverable until the Mississippi Supreme Court Clerk transmitted the youth court record by U. S. Mail in January of 2006 for attorney Victoria Hoggatt to prepare this Petition for Writ of Certiorari to the United States Supreme Court. The certified docket of the Mississippi Supreme Court doesn't list the Notice of Appeal of the trial court's Order Designating Record as filed on either July 18, 2003, September 1, 2004, or on any other date, though it is stamped "Filed Office of the Supreme Court Clerk July 18, 2003". This fact shows that disclosure of Mississippi youth court records is not moot for purposes of facilitating current criminal prosecution of public officials.

The decision of the Mississippi Supreme Court denying the Hoggatts' Petition to the Mississippi Supreme Court for an Emergency Writ of Special Assistance and Other Extraordinary Collateral Relief was entered on February 12, 2004. On January 18, 2005, the Mississippi Supreme Court assigned the appeal to the Mississippi Court of Appeals. On the April 8, 2005, over the objection of the Mississippi Attorney General, the Mississippi Court of Appeals granted Oral Argument, and on May 2, 2005, the Mississippi Court of Appeals un-granted Oral Argument. The decision of the Mississippi Court of Appeals dismissing the case on its own motion as moot was entered on May 24, 2005. A timely Motion for Rehearing was denied August 23, 2005. The decision of the Mississippi Supreme Court denying the Hoggatts' Petition for Writ of Certiorari was entered on January 12, 2006.

Jurisdiction of this Court exists under 28 U.S.C. § 1257(a).

Petitioners Eric Hoggatt, DDS and Victoria Hoggatt, attorney at law, WNH's natural fit parents, pray that the Supreme Court grant a writ of certiorari to review the judgment of the court below, which dismissed the Hoggatts' appeal of Mississippi's assertion of jurisdiction over a non-resident family to make initial and any subsequent custody determinations, and denied of disclosure and release of Mississippi youth court records as moot, and in support thereof would show the following:

Facts and law support a finding that disclosure and release of youth court records is the sort that the Court should grant, as the record clearly presents a pressing concern of safety and welfare of the entire Hoggatt family.

The Petition for Disclosure and Release of Records, essential to an understanding of the issues raised, is submitted in the Appendix, with those of those of its exhibits that could be reproduced. The statement of the case is choppy, as it is almost verbatim a compilation of excerpts from the record, that the Court may easily verify that all citations to the record are accurate, that the issues are properly before the Court at this time, and that disclosure in the instant cause is of the sort the Court ought authorize.

RELEVANT PROVISIONS INVOLVED (see Appendix)

STATEMENT

A. Criminal activity of Mississippi officials in concert with citizens of Louisiana, Virginia, and Texas alleged in the Petition for Disclosure

> Andrew Allbritton, Jr. is wanted for allegedly committing a sexual offense upon an eight year old child in Wisner, Louisiana. On January 18, 1996, the child's mother left the child in Allbritton's care for one night during which time the crime occurred. Several days later the child told her parents about the